0307

Decision Record
for
Dean Creek Elk Viewing Area Waterway Channel Maintenance
as Analyzed in Environmental Assessment
EA# OR 120-90-18

Introduction

The United States Department of Interior, Bureau of Land Management (BLM), Coos Bay District, previously prepared an Environmental Assessment (EA OR120-90-18) and Finding of No Significant Impact, dated May 5, 1992, that analyzed potential impacts of maintenance cleaning of excessive silt and organic matter in the waterway drainage network (ditches) at the Dean Creek Elk Viewing Area. The EA analyzed a Proposed Action along with a No Action Alternative. Based on a review of the EA, the BLM has decided to implement maintenance cleaning of the waterway drainage network from the Action Alternative analyzed in the EA.

The purpose of maintenance cleaning of the waterway drainage network is to remove excessive silt and organic matter that have accumulated over time and have impaired pasture drainage capabilities considerably, resulting in significant decreases in forage species preferred by elk.

The EA cited was written before the implementation of the following documents: *Final Supplemental Environmental Impact Statement for the Amendment to the Survey and Manage, Protection Buffer, and Other Mitigation Measures, Standards and Guidelines* (USDA; USDI, 2000) and *Final Supplemental Environmental Impact Statement on Management of the Habitat for Late-Successional and Old-Growth Forest Related Species Within the range of the Northern Spotted Owl* and its Record of Decision (Northwest Forest Plan [NWFP]) (Interagency, 1994) describing the Aquatic Conservation Strategy (ACS) to aid in the recovery of water quality and aquatic, riparian, and terrestrial habitats. The EA was also written before the listing of coho salmon (Threatened) under the Endangered Species Act; as well as, Executive Orders 12898 and 13212 requiring analysis of Environmental Justice and impacts on energy exploration, production, and transportation. This Decision Record will address these issues.

Background

The Dean Creek Elk Viewing Area (EVA) is located near the Oregon coast in Douglas County along State Highway 38, three miles east of Reedsport. The EVA is a cooperative effort between the BLM and the Oregon Department of Fish and Wildlife (ODFW). With the support of the public, the EVA developed through four land exchanges or purchases beginning in 1987. In 1993, BLM completed the Activity Management Plan for the EVA to serve as a framework for its management. The BLM and ODFW actively manage the EVA to provide for a viable elk herd through high quality elk habitat, for public viewing opportunities of the elk, and for public educational opportunities.

The EVA is a mosaic of pastures, wet meadows, and uplands that are dissected by several ditches and two major sloughs: Koepke and Hindales Sloughs. Approximately 440 acres are bottomland and 600 acres are upland. The bottomland contains 120 acres of intensively-managed pastures located near the Hinsdale Interpretive Center and 80 acres of pasture at the east end of the EVA that are forage-emphasis areas. The west end has 70 acres of wet meadow habitat that was enhanced for waterfowl and other avian species through a cost-share project between BLM and Ducks Unlimited in 1992. The remaining 170 acres of bottomland are classified as marginal pasture or wet meadow habitat.

Prior to the 1930s, the EVA was a tidally-influenced salt water marsh. In 1933, Oregon Highway 38 was constructed, separating the EVA from the Umpqua River by a continuous dike. With the highway construction, six tide gates were installed by the State of Oregon to allow fresh water from the uplands to flow to the Umpqua River. Over time, separation of the bottomlands from the influence of the river changed the area from a salt marsh to a fresh water system. The bottomlands were cleared, an extensive drainage ditch network was excavated, the pastures were seeded with more nutritional grasses and legumes, and cattle were grazed year-round. Over time, a resident elk herd formed because of the forage provided through private pasture management.

Prior to acquisition by BLM, the ditches were cleaned by the landowners at an unknown frequency, but no cleaning is believed to have occurred for a period of about 10 years prior to the transfer of ownership. The only ditch maintenance cleaning since then occurred in 1988 and 1992 in portions of the ditches. Cleaning did not occur beyond that time due to a lack of funding. Over time, sediment and organic matter have accumulated in the channels from a variety of sources: the degradation of current channels, from upland forested land, and for at least two years, if not longer, from two non-functioning tide gates which allowed tidal water and additional sediment and organic matter to enter the EVA. The Oregon Department of Transportation which owns the tide gates, replaced the two non-functioning gates during June 2002. The filling of sediment and organic matter in the channels or ditches has impaired the pasture drainage capabilities considerably, resulting in significant decreases in forage species preferred by elk.

The proposed project is to maintain the existing drainage network through a long-term maintenance program by removing sediment and organic matter accumulation to increase

hydrologic flow in the drainage system. Project objectives include maintenance of existing drainage channels to their original configuration and to control points such as tide gate inverts (bottom of pipe). In a joint Oregon Division of State Lands and U.S. Army Corps of Engineers removal and fill permit application, the BLM applied to clean a maximum of about 35,775 linear feet of channels averaging about five feet in width removing an estimated 11,925 cubic yards of total volume of material over multi-years, depending on funding. The first contract would remove an estimated 6,300 cubic yards. Once the initial estimated volume of 11,925 cubic yards is removed, future volumes of material to be removed will vary throughout time, but it's anticipated that implementing a routine ditch cleaning program will require that lesser volumes be removed at any given time in the future.

Issues

1. Survey and Manage Species:

Currently the BLM is operating under the Final Supplemental Environmental Impact Statement for the Amendment to the Survey and Manage, Protection Buffer, and Other Mitigation Measure and Guidelines (USDA; USDI, 2000). For the Coos Bay District BLM there are no mollusks requiring pre-disturbance surveys. Protection is required for known sites of *Megomphix hemphilli*, as of September 30, 1999. There are no known *Megomphix hemphilli* sites, as of September 30, 1999, in the project area. Dean Creek EVA contains no suitable habitat for the other Survey and Manage species.

2. Aquatic Conservation Strategy (ACS) and the Listing of Coho Salmon (Threatened) under the Endangered Species Act:

The Dean Creek Elk Viewing Area is a very hydromodified wetland complex that does not fit well under the Northwest Forest Plan ACS. The BLM administers 1,493 acres, or 2.5 percent of the land, in the 60,239 acre Lower Umpqua River Subwatershed #1710030308 (2002 BLM Coos Bay District GIS Database). Therefore, activities on BLM administered lands would be inconsequential at the subwatershed scale. Consequently ditch maintenance would have a neutral affect on the attainment of Aquatic Conservation Strategy Objectives in that ditch maintenance would neither restore nor degrade aquatic ecosystems, but rather maintain current habitats and water relationships. The project would maintain the current use of the area for elk habitat and recreational wildlife viewing. The SEIS Team / Scientific Advisory Group's[1] interpretation of the Riparian Reserve Standard and Guideline RM-1 addressing recreation sites is, "that the best a developed site can do is to have a neutral or mitigated effect [on aquatic conditions]." Ditch maintenance would have a neutral effect on aquatic habitat as it would only remove the dredge material that has deposited in the ditch; it would not deepen, widen, or create new channels. Management direction in the 1995 Coos Bay District ROD is to manage Dean Creek according to the existing management plan (page 49).

[1] 1994. SEIS Team / Scientific Advisory Group Questions and Answers. 36 pages.

Informal consultation for Oregon Coast coho salmon with NMFS is ongoing and the ditch cleaning will not commence until the consultation has been completed.

3. Environmental Justice:

The proposed areas of activity are not known to be used by, or disproportionately used by, Native Americans and minority or low-income populations for specific cultural activities, or at greater rates than the general population. This includes their relative geographic location and cultural, religious, employment, subsistence, or recreational activities that may bring them to the proposed area(s). Also, BLM concludes that no disproportionately high or adverse human health or environmental effects will occur to Native Americans, and minority or low-income populations as a result of the proposed action.

4. Energy Exploration, Production, and Transportation:

The project would not create any permanent barriers or restrictions to energy development. Therefore, this project does not appear to have any direct or indirect adverse energy impacts. Hence, a Statement of Adverse Energy Impact would not be required.

5. Threatened and Endangered Wildlife Species:

The project would be a "No Effect" for noise disturbance for the northern spotted owl, marbled murrelet, and bald eagle; thus there would be no required seasonal or daily timing restrictions for the project. The project is not within 0.25 miles of any known northern spotted owl nest sites. The project is within 0.25 miles of an occupied marbled murrelet site, however the project would not create noise above ambient levels due to the associated highway traffic noise. The project is not within 0.50 miles of any bald eagle nest sites. No other Special Status species are known to be in the project area.

Decision

It is my decision to implement ditch cleaning maintenance at the Dean Creek Elk Viewing Area subject to joint Oregon Division of State Lands and U.S. Army Corps of Engineers removal and fill permit stipulations and the following project design features and Best Management Practices (BMPs).

- No work will commence prior to issuance of the joint Oregon Division of State Lands and U.S. Army Corps of Engineers removal and fill permit, and all work will be done in accordance with the permit requirements.

- Removal and spreading of material from the ditches will be restricted to the dry seasons (generally July 1 - September 15), and no ditch cleaning shall occur unless tide gates influencing the respective work areas are functioning properly. Tide gate function will be monitored daily, and ditch cleaning activities shall discontinue immediately if they are not functioning.

- Channel dredging activities will only take place if coho salmon are determined to be absent from the channel network being dredged. Water quality will be used as an indicator of absence, and visual surveys will occur if there is a reasonable expectation coho could be within the sloughs or ditch system in a location that could potentially be impacted by dredging activities. The tide gates will be temporarily closed when work is occurring near the outlets of the tide gate culverts.

- To further ensure coho salmon are not detrimentally impacted by sediment or turbidity resulting from dredging operations, straw bales or silt fences will be placed in locations downstream of areas where work is occurring to serve as sediment filters, as well as to prevent fish movement into work areas.

- The excavated material will be deposited on existing levees, or a minimum of 15 feet from the vegetative edge of the channel bank, or as directed by the Project Inspector (PI) of the contract, to prevent the material from running back into the channel during the winter.

- Channel dredging will occur within the thalweg of the channel to the extent possible. This will minimize the volume of material being removed as well as help maximize the duration between channel maintenance projects.

- All spoils will be mulched and seeded prior to the wet season of the same year dredging occurs. Dredged materials will be allowed to over-winter and dry during the subsequent spring and summer, prior to being spread evenly across the fields at a depth not to exceed 3 inches.

- If turbidity levels downstream of sediment control structures (silt fencing, straw bales) exceed background turbidity levels and subsequent sediment delivery to the Umpqua River is probable, additional measures will be taken to prevent and/or minimize sediment delivery to the Umpqua River. These additional measures may include the following: closing off tide-gates until turbidity levels reach background levels, ceasing channel excavation activities, and use of additional sediment retention devices.

- Equipment will be inspected by the PI for any leakage of petroleum products. Leakage will be a basis for issuing an immediate shutdown of operations. Fueling areas will be selected by the Contractor subject to the approval of BLM.

- A Spill Containment Kit (SCK) shall be on-site during any operation. The kit will include at least two bales (100 pads/bale) of absorbent pads with a minimum size of 17" x 19" x 1/4".

- In order to control the spread of noxious weeds, all vehicles and equipment will be cleaned prior to entering the work area. Cleaning shall consist of the removal of soil and debris by washing with a high-pressure hose or steam cleaning, including tractor belly plates.

- All trees, other special habitat features as designated by the PI, and structures will be protected from damage.

Rationale for Decision

Regular channel or ditch cleaning maintenance will restore pasture drainage capabilities which will help maintain forage species preferred by elk. The decision is in compliance with the *1994 Coos Bay District Final Resource Management Plan and Environmental Impact Statement* with its *Record of Decision and Standards and Guidelines* (BLM 1995) and the Dean Creek EVA Management Plan.

Monitoring

The BLM Project Inspector (PI) shall perform compliance monitoring of the ditch maintenance cleaning according to the project contract's stipulations including design features.

The Field Office hydrologist shall install semi-permanent cross sections of waterway channels to monitor channel elevation and shape over time.

Decision Recommended by:

NRSA: _____ Date: _____

NRSA: _____ Date: _____

NRSA: _____ Date: _____

Decision Approved by:

_____ Date: _____
M. Elaine Raper
Umpqua Field Manager
Coos Bay District
Bureau of Land Management

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